



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/789,635
Applicant: Barclay
Filed: February 27, 2004
TC/A.U.:
Examiner

Docket No.: 2997-1-3-2-2
Customer No.: 22442

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA VA 22313-1450, ON May 27, 2004.

BY: Gary J. Connell

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

Pursuant to Applicant's duty of disclosure under 37 CFR § 1.56 and 37 CFR §§ 1.97-1.98, Applicant hereby provides the attached Form 1449. Certain of the documents listed on the Form PTO-1449 were of record in the parent application hereof, U.S. Patent Application Serial No. 10/154,273, filed May 22, 2002, and since the above-identified patent application is a continuation thereof, copies of the documents already of record in the parent are not being submitted under 37 CFR § 1.98(d).

Applicant does not admit that any of such documents, alone or in any combination, is considered to be material to patentability as defined in 37 CFR § 1.56(b). Moreover, the inclusion of these documents is not to be construed as an admission by Applicant that each such document is prior art as to the above-identified patent application.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Gary J. Connell
Gary J. Connell
Registration No. 32,020
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: May 26, 2004



SHEET 1 OF 6

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 2997-1-3-2-2	SERIAL NO. 10/789,635
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANT BARCLAY	
		FILING DATE February 27, 2004	GROUP ART 1651

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
1.		6,451,567	9/17/2002	Barclay	435	134	
2.		6,054,147	4/2000	Barclay et al.	426	2	
3.		5,958,426	9/1999	Moreau et al.	424	283.1	
4.		5,908,622	6/1999	Barclay	424	93.1	
5.		5,698,244	12/1997	Barclay	426	2	
6.		5,688,500	11/18/97	Barclay	424	93.1	
7.		5,656,319	8/1997	Barclay	426	574	
8.		5,547,699	8/20/96	Iizuka et al.	426	615	
9.		5,518,918	5/21/96	Barclay	435	257.1	
10.		5,492,828	2/20/96	Premuzic et al.	435	245	
11.		5,415,879	5/16/95	Oh	426		
12.		5,340,742	8/23/94	Barclay	435	256.8	
13.		5,340,594	8/23/94	Barclay	426	49	
14.		5,272,085	12/21/93	Young et al.	435	254.2	
15.		5,234,699	8/10/93	Yeo	426	2	
16.		5,133,963	7/28/92	Ise	424	94.61	
17.		5,130,242	7/14/92	Barclay	435	134	
18.		5,012,761	5/7/91	Oh	119	6	
19.		4,918,104	4/17/90	Weiss et al.	514	560	
20.		4,871,551	10/3/89	Spencer	426	2	
21.		4,792,418	12/20/88	Rubin et al.	554	186	
22.		4,758,438	7/1988	Stroz et al.			
23.		4,670,285	6/2/87	Clandinin et al.	426	602	
24.		4,304,794	12/1981	Dwivedi et al.	426	548	

EXAMINER	DATE CONSIDERED
----------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



SHEET 2 OF 6

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 2997-1-3-2-2	SERIAL NO. 10/789,635
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANT BARCLAY	
		FILING DATE February 27, 2004	GROUP ART 1651

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	25.	3,924,017	12/1975	Lee et al.			
	26.	3,908,028	9/1975	Neely et al.			
	27.	3,908,026	9/1975	Neely et al.	426	538	
	28.	3,667,969	6/1972	Kracauer			
	29.	3,647,482	3/1972	Yueh			
	30.	3,296,079	1/1967	Griffin	167	93	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	31.	WO 92/12711	08/06/92	PCT				
	32.	WO 91/14427	10/03/91	PCT				
	33.	WO 89/00606	1/26/89	PCT				
	34.	WO 88/10112	12/29/88	PCT				
	35.	60-105471	10/6/85	JAPAN				
	36.	58-213613	6/10/85	JAPAN				
	37.	58-196068	5/17/85	JAPAN				
	38.	1/557/635	2/21/69	FRANCE				
	39.	0 231 904 A2	08/12/87	EPO				

EXAMINER	DATE CONSIDERED
----------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 2997-1-3-2-2	SERIAL NO. 10/789,635
	APPLICANT BARCLAY		
	FILING DATE February 27, 2004	GROUP ART 1651	

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

40.	Ainsworth, "Introduction and Keys to Higher Taxa," pp. 1-7, 1973, in <i>The Fungi. An Advanced Treatise</i> , Vol. 4B, (G.C. Ainsworth et al. eds., Academic Press)
41.	Akimoto et al., JAOCS, 68:504-508, 1991
42.	Ando et al., <i>J. Ferm. Bioeng.</i> , 73:169-171, 1992
43.	Bahnweg et al., "A New Approach to Taxonomy of the Thraustochytriales and Labyrinthulales," pp. 131-140, 1986, in <i>The Biology of Marine Fungi</i> , (S.T. Moss ed., Cambridge University Press)
44.	Bajpai et al., <i>Appl. Microbiol. Biotechnol.</i> , 35:706-710, 1991
45.	Bajpai et al., JAOCS, 68:775-780, 1991
46.	Bajpai et al., <i>Mycol. Res.</i> , 95:1294-1298, 1991
47.	Bajpai et al., JAOCS, 68:509-514, 1991
48.	Barwicki-Garcia, "The Cell Wall: A Crucial Structure in Fungal Evolution," pp. 389-403, 1988, in <i>Evolutionary Biology of the Fungi</i> , (A.D.M. Rayner et al. eds., Cambridge University Press)
49.	Beach and Holz, <i>Biochim Biophys Acta</i> , 316:56-65 (1973)
50.	Behrens et al., "Eicosapentaenoic Acid from Microalgae" <i>Novel Microb. Prod. Med. Agric.</i> pp. 253-259, 1989
51.	Behrens et al., "Eicosapentaenoic Acid from Microalgae," p. 623, col. 2, abstract no. 193025d, 1989, Chemical Abstracts, Vol. 111, No. 21, Nov. 20.
52.	Boswell et al., "SCO Production by Fermentative Microalgae", pp. 274-286, 1992, in <i>Industrial Applications of Single Cell Oils</i> (Kyle et al., eds.), American Oil Chemists' Society, Champaign, IL.
53.	Cavalier-Smith, "The Origin of Nuclei and of Eukaryotic Cells," pp. 463-468, 1975, <i>Nature</i> , Vol. 256
54.	Cerda-Olmeda et al., "A Biography of <i>Phycomyces</i> ", pp. 7-26, 1987, in <i>Phycomyces</i> , (Cerda-Olmeda et al. eds., CSH Laboratory)
55.	Cohen et al., <i>Plant Physiol.</i> , 98:569-572, 1992,
56.	Couch et al., 1973, <i>Lipids</i> , 8(7):385-392
57.	Cruickshank, 1934, "Studies in Fat Metabolism in the Fowl" in <i>Biochem. J.</i> , 28:965-977
58.	Dick, "Saprolegniales", pp. 113-144, 1973, in <i>The Fungi. An Advanced Treatise</i> , (G.C. Ainsworth et al. eds., Academic Press))
59.	Ellenbogen, "Polyunsaturated Fatty Acids of Aquatic Fungi: Possible Phylogenetic Significance," <i>Comp. Biochem. Physiol.</i> , 1969, Vol. 29, pp. 805-811
60.	Emerson, "Current Trends of Experimental Research in the Aquatic Phycomycetes," <i>Ann. Rev. Micro.</i> , 1950, Vol. 4; pp. 169-200
61.	Erwin, "Comparative Biochemistry of Fatty Acids in Eukaryotic Microorganisms," pp. 41-143, 1973, in <i>Lipids and Biomembranes of Eukaryotic Microorganisms</i> , (J. Erwin ed., Academic Press)

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 2997-1-3-2-2	SERIAL NO. 10/789,635
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANT BARCLAY	
		FILING DATE February 27, 2004	GROUP ART 1651

62.	Findlay et al., "Biochemical Indicators of the Role of Fungi and Thraustrochytrids in Mangrove Detrital Systems," pp. 91-103, 1986, in <i>The Biology of Marine Fungi</i> , (S.T. Moss ed., Cambridge University Press)
63.	Fisher et al., 1957, <i>J. Nutr.</i> , 63:119-129
64.	Fuller, et al., "Isolation and Pure Culture Study of Marine Phycomycetes," pp. 745-756, 1964, <i>Mycologia</i> , Vol. 56
65.	Gandhi et al., <i>J. Gen. Microbiol.</i> , 137:1825-1830; 1991
66.	Gellerman et al., "Methyl-Directed Desaturation of Arachidonic to Eicosapentaenoic Acid in the Fungus, <i>Saprolegnia Parasitica</i> ," pp. 23-30, 1979, <i>Biochim. Biophys. Acta</i> , Vol. 573
67.	Goldstein, "Development and Nutrition of New Species of Thraustochytrium," pp. 271-279, 1963, <i>Am. J. Bot.</i> , Vol. 50
68.	Goldstein et al., "Biology of a Problematic Marine Fungus, Dermocystidium sp. I. Development and Cytology," pp. 1-11, 1966, <i>Archiv für Mikrobiologie</i> , Vol. 53.1
69.	Goldstein et al., "Biology of a Problematic Marine Fungus, Dermocystidium sp. II. Nutrition and Respiration," pp. 468-472, 1969, <i>Mycologia</i> , Vol. 61
70.	Hagemeister et al., STN Database, AN 88:13,222 Biobusiness for Milchwissenschaft, Vol. 43, No. 3, pp. 153, 155-158
71.	Hansen et al., <i>Phytochemistry</i> , 30:1837-1841, 1991
72.	Harrington et al., 1968, <i>Biochim. Biophys. Acta</i> , 164:137-39
73.	Haskins et al., 1964, <i>Canadian J. Microbiology</i> , 10:187-195
74.	Henderson et al., "Lipid Composition and Biosynthesis in the Marine Dinoflagellate <i>Cryptocodinium Cohnii</i> ," pp. 1679-1683, 1988, <i>Phytochemistry</i> , Vol 27. No. 6
75.	Hori et al., "The Nucleotide Sequence of 5S rRNA from a Cellular Slime Mold <i>Dictyostelium Discoideum</i> ," pp. 5535-5539, 1980, <i>Nucl. Acids Res.</i> , Vol. 8
76.	Hunter, "Fish Oil and Other Omega-3 Sources," pp. 1592-1596, 1987, <i>J. Am. Oil Chem. Soc.</i> , Vol. 64
77.	Jong et al., "American Type Culture Collection Catalogue of Fungi/Yeast," pp. 350 and 378, <i>American Type Culture Collection</i> , 17th Edition, 1987.
78.	Kates, "Techniques of Lipidology: Isolation, Analysis and Identification of Lipids," pp. 186-278, 1986, <i>Laboratory Techniques in Biochemistry and Molecular Biology</i> , Vol. 3
79.	Kendrick et al., <i>SIM Industrial Microbiology NEWS</i> , 42 59-65, 1992
80.	Kendrick et al., <i>LIPIDS</i> , 27:15-20, 1992
81.	Kyle, "Microalgae as a Source of EPA-Containing Oils," p. 495, col. 2, abstract no. 22136, 1988, Chemical Abstracts, Vol. 111, No. 3, 17 July 1989
82.	Kyle et al., "Bioproduction of Docosahexaenoic Acid (DHA) by Microalgae", pp. 287-300, 1992, in <i>Industrial Applications of Single Cell Oils</i> (Kyle et al., eds.), American Oil Chemists' Society, Champaign, IL.

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 2997-1-3-2-2	SERIAL NO. 10/789,635
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANT BARCLAY	
		FILING DATE February 27, 2004	GROUP ART 1651

83.	Kyle, "Microalgae as a Source of EPA-Containing Oils," p. 1251, 1987, <i>J. Am. Oil Chem. Soc.</i> , Vol. 64
84.	Kyle et al., "Microalgae as a Source of EPA-Containing Oils", pp. 117-121, 1988, <i>Proc. World Conf. Biotechnol. Fats Oils Ind.</i>
85.	Lepage et al., "Improved Recovery of Fatty Acid Through Direct Transesterification Without Prior Extraction or Purification," pp. 1391-1396, 1984, <i>J. Lipid Res.</i> , Vol. 25
86.	Lipstein et al., 1980, <i>Br. Poultry Sci.</i> , 21:9-21
87.	Lipstein et al., "The Nutritional and Economic Value of Algae for Poultry" in <i>Algae Biomass</i> , G. Shelef and C.J. Soeder, eds., Elsevier/North-Holland Biomedical Press, 1980, pp. 667-685
88.	Long, T., STN Database, AN 89:532,569 Caplus for WO 88-US2483.
89.	Mannella et al., "Interrelatedness of 5S RNA Sequences Investigated by Correspondence Analysis," pp. 228-235, 1987, <i>J. Mol. Evol.</i> , Vol. 24
90.	Miller, "Isolation and Pure Culture of Aquatic Phycomycetes by Membrane Filtration," pp. 524-527, 1967, <i>Mycologia</i> , Vol. 59
91.	Moss, "Biology and Phylogeny of the Labrithulales and Thraustochytriales," pp. 105-129, 1986, in <i>The Biology of Marine Fungi</i> , (S.T. Moss ed., Cambridge University Press)
92.	Murty et al., 1961, <i>J. Nutrition</i> , 75:287-294
93.	Navarro et al., 1972, <i>J. Sci. Fd. Agric.</i> , 23:1287-1292
94.	Perkins, "Phylogenetic Considerations of the Problematic Thraustochytriae-Labrinthulid-Dermocystidium Complex Based on Observations of Fine Structure," pp. 45-63, 1974, <i>Veroff. Inst. Meeresforsch. Bremerh. Suppl.</i> , Vol. 5
95.	Pigot, "The Need to Improve Omega-3 Content of Cultured Fish," pp. 63-68, 1989, <i>World Aquaculture</i> , Vol. 20
96.	Pohl et al., "Fatty Acids and Lipids of Marine Algae and the Control of Their Biosynthesis by Environmental Factors," pp. 473-523, 1979, <i>Marine Algae in Pharmaceutical Science</i> , (Hoppe et al. eds.)
97.	Radwan, <i>Appl. Microbiol. Biotechnol.</i> , 35:421-430, 1991
98.	Reiser, 1951, <i>J. Nutrition</i> , 44:159-175
99.	Ryther, "Cultivation of Macroscopic Marine Algae", pp. 79-88, 1983, <i>Solar Energy Research Institute Aquatic Species Program Review</i> . Proc of the March 1983 Principal Investigators Meeting, SERI/CP/-231 1946
100.	Schlenk, "Urea Inclusion Compounds of Fatty Acids," pp. 243-267, 1954, <i>Prog. Chem. Fats and Other Lipids</i> , Vol. 2
101.	Schneider, "Cultivation of Micro-organisms. Section 3.2: Fungi," pp. 337-345, 1976, in <i>Marine Ecology</i> , Vol. 3, Part 1. <i>Cultivation</i> , (O. Kinne ed., Wiley and Sons)
102.	Simopoulos et al. (eds.), <i>Health Effects of Polyunsaturated Fatty Acids in Seafoods</i> , Chaps. 2-5, 7, 17, 1986, Academic Press)
103.	Sorokin, "Dry Weight, Packed Cell Volume and Optical Density," pp. 321-343, 1973 in <i>Handbook of Phycological Methods: Culture Methods and Growth Measurements</i> , (J.R. Stein ed., Cambridge University Press)
104.	Sparrow, <i>Aquatic Phycomycetes</i> , pp. 36-39, 1960, University of Michigan Press

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 2997-1-3-2-2	SERIAL NO. 10/789,635
	APPLICANT BARCLAY	
	FILING DATE February 27, 2004	GROUP ART 1651

105.	Todorov, D., "Possibilities for Increasing the Biological Value of Alimentary Protein", KHIGZDRAVFODAZ, 1978, 21(3), p. 291-297.
106.	Tornabene, 1974, <i>Lipids</i> , 9(4):279-284
107.	Wassef, "Fungal Lipids," pp. 159-232, 1977, <i>Adv. Lipid Res.</i> , Vol. 15
108.	Weete, "Fatty Acids", pp. 49-95, 1980, in <i>Lipid Biochemistry of Fungi and Other Organisms</i> , (Plenum Press)
109.	Yamada et al., "Production of Arachidonic Acid and Eicosapentaenoic Acid by Microorganisms," p. 1254, 1987, <i>J. Am. Oil Chem. Soc.</i> , Vol. 64
110.	Yamada et al., "Production of Dihomo- γ -Linolenic Acid, Arachidonic Acid and Eicosapentaenoic Acid by Filamentous Fungi", pp. 118-138, 1992, in <i>Industrial Applications of Single Cell Oils</i> (Kyle et al., eds.), American Oil Chemists' Society, Champaign, IL.
111.	Yazawa et al., "Production of Eicosapentaenoic Acid from Marine Bacteria", pp. 29-51, 1992, in <i>Industrial Applications of Single Cell Oils</i> (Kyle et al., eds.), American Oil Chemists' Society, Champaign, IL.
112.	Yongmanitchai et al., <i>Phytochemistry</i> , 30:2963-2967, 1991
113.	Yongmanitchai et al., "Omega-3 Fatty Acids: Alternative Sources of Production," pp. 117-125, 1989, <i>Proc. Biochem.</i>

EXAMINER	DATE CONSIDERED
----------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.